S.B.CRIMINAL LEAVE TO APPEAL NO.344/2006

(State of Rajasthan vs. Dhanna Ram & Ors.)

Date of order : January 31, 2007

HON'BLE MR.JUSTICE H.R.PANWAR

Mr. Rameshwar Dave, P.P.

Heard learned Public Prosecutor for the State. Perused the judgment and order impugned as also the statements of the witnesses recorded by the trial court available with the learned Public Prosecutor. I have carefully gone through the statements of material witnesses viz. PW.1 Kela Ram, PW.2 Heera Lal, PW.3 Manphool Ram, father of the deceased, PW.4 Deva Ram, who is neighbour of PW.3 Manphool Ram as also other witnesses. I have also gone through the statements of PW.6 Kundanlal and PW.8 Prithvi Raj, brother of the deceased.

So far as accused-respondents No.1 Dhanna Ram and No.2 Laxmi Devi are concerned, they are parents-in-law of the deceased. On careful perusal of the statements of these witnesses, there appears to be hardly any reliable evidence to connect them with the commission of the crime and, therefore, in my view it is not a fit case to grant leave against accused-respondents No.1 and 2.

The leave to appeal against accused-respondents No.1 Dhanna Ram and No.2 Laxmi Devi is, therefore, dismissed.

However, so far as accused-respondent No.3 Krashan Lal is concerned, the witnesses noticed above, depose against him.

Having regard to the facts and circumstances of the case, I am satisfied that it is a fit case to grant leave to appeal to this Court against accused-respondent No.3 Krashan Lal, husband of the deceased.

Accordingly, the leave to appeal to this Court against accused-respondent No.3 Krashan Lal is granted. The memo of leave to appeal be treated as memo of appeal. Let the appeal be registered on regular number.

Appeal against accused-respondent No.3 Krashan Lal is admitted. He be summoned by bailable warrant of Rs.5000/- for his appearance before this Court on 07.3.2007 and as and when called upon to do so.

(H.R.PANWAR),J.

m.asif/-